



Bureau of Consumer Protection
Division of Marketing Practices

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, DC 20580

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April 17, 2025

VIA CM/ECF

The Honorable Julien Xavier Neals
United States District Judge
District of New Jersey
MLK Jr. Federal Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07102

Re: *Federal Trade Commission v. TheFBAMachine Inc. et al.*,
No. 2:24-cv-6635 (JXN) (LDW) (D.N.J.)

Dear Judge Neals:

Plaintiff Federal Trade Commission (“FTC”) writes with two requests for the Court.

First, as mentioned in our letter to the Court last week (ECF No. 132), the FTC intends to notice its motion for summary judgment against the defendants in this matter for May 19, 2025. The FTC does not intend to seek oral argument on its motion. Pursuant to Local Rules 7.1(c)(1) and 7.1(d)(1), the deadline for the FTC to file its moving papers for a motion to be noticed on May 19 is Friday, April 25. In accordance with the Court’s Rules and Procedures and the Pretrial Scheduling Order (ECF No. 90) in this matter, the FTC respectfully requests leave of Court to file its summary judgment motion with supporting documents and exhibits on Friday, April 25.

Second, while the FTC is endeavoring to draft its memorandum of law in support of summary judgment as concisely as possible, the motion is a request for a final order involving complicated facts spanning several years, as well as eight counts against ten defendants. Local Rules 7.2(b) and (d) limit moving and responding briefs to 40 pages (using double-spaced 12-point non-proportional font or 14-point proportional font) or, if a 12-point proportional font is used, 30 pages. The FTC’s memorandum of law in support of its emergent application for a temporary restraining order (ECF No. 1-17) necessitated 47 pages, and since that time, the amount of supporting evidence has only grown.

In anticipation of seeking leave of Court for additional pages for its summary judgment brief, the FTC emailed defense counsel yesterday to ask whether they would object to such a request, recognizing that, if the Court grants it, fairness requires that the defendants be afforded the same number of additional pages for their response as the FTC would receive for its moving brief. Defense counsel confirmed that they do not object to the request.

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Therefore, the FTC respectfully requests that the Court permit the parties up to 15 additional pages (as measured by 12-point proportional font) for their moving or responding summary judgment briefs.

If these requests are acceptable to the Court, counsel for the FTC respectfully request that Your Honor endorse this letter "So Ordered" and have it entered on the Court's docket.

Sincerely,



Frances L. Kern
Attorney

cc: counsel of record (via ECF)

SO ORDERED.

Hon. Julien X. Neals, U.S. District Judge